11-23-01

JC962 U.S. PTO
11/21/01

Practitioner's Docket No. 700157-050007-PCT *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned
Application No.: Not yet assigned Examiner: Not yet assigned
Filed: Herewith
(Continuation of PCT/US00/13715 – Filed: 19 May 2000)
For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

JC857 U.S. PTO
09/990879
11/21/01

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565093376US in an envelope addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Date: 21 November 2001

Nicole M. Gignac

09990879 - 112101

Box Patent Application
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

NEW APPLICATION TRANSMITTAL

1. Type of Application

This new application is for a

(check one applicable item below)

[] Original (nonprovisional)
[] Design
[] Plant
[] Divisional.
[X] Continuation.
[] Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

[X] The new application being transmitted claims the benefit of prior U.S. application(s).

3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

__36__ Pages of Specification
__3__ Page of Claims
__8__ Sheets of Drawings

(complete the following, if applicable)

[] The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

[] Formal
[] Informal

B. Other Papers Enclosed

___ Pages of declaration and power of attorney (copy)
__1__ Pages of Abstract
___ Other:

4. Additional Papers Enclosed

[] Amendment to claims

[] Cancel in this application claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
[] Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

[X] Preliminary Amendment
[] Information Disclosure Statement (37 C.F.R. Section 1.98)
[] Form PTO-1449 (PTO/SB/08A and 08B)
[] Citations
[] Declaration of Biological Deposit
[] Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
[] Authorization of Attorney(s) to Accept and Follow Instructions from Representative
[] Special Comments
[] Other:

5. Declaration or Oath (including power of attorney)

[] Enclosed (copy from parent application)

Executed by

(check **all** *applicable boxes)*

[] inventors.
[] legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.
[] joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
[] This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

[X] Not Enclosed.
[] Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).

[] Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. Section 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

[] The same.

or

[] Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
[] is submitted.
[] will be submitted.

7. Language

[X] English
[] Non-English
[] The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

PTO/SB/05 (08-00)

8. Assignment

[X] An assignment of the invention to Dana Farber Cancer Institute, Inc.

[] is attached. A separate [] "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or [] FORM PTO 1595 is also attached.
[X] will follow.
[] was recorded in the parent application U.S.S.N. _____ on_____at Reel ___ and Frame ____.

9. Certified Copy

Certified copy(ies) of application(s):

Country: Application No.: Filed:

from which priority is claimed
[] is (are) attached.
[] will follow.

10. Fee Calculation (37 C.F.R. Section 1.16)

A. [X] Regular application
[X] Small Entity – 370.00
[] Large Entity – 740.00

CLAIMS AS FILED

	Claims	Paid For	Extra	Present Rate	Fee	Addit. OR	Other Than A Small Entity	Addit. Fee
Total:	15	Minus 20	0	= 0	x $9 =		x $18 = 0	$ 0.00
Indep.:	2	Minus 3	0	= 0	x $42 =		x $84 = 0	$ 0.00
[X] First Presentation of Multiple Dependent Claim					+ $140		+280 =	$ 280.00

Total Addit. Fee = $ OR Total Addit. Fee = $ 140.00

[] Amendment cancelling extra claims is enclosed.
[] Amendment deleting multiple-dependencies is enclosed.
[] Fee for extra claims is not being paid at this time.

Filing Fee Calculation $____.00

B. [] Design application
($310.00--37 C.F.R. Section 1.16(f))
Filing Fee Calculation $_____

C. [] Plant application
($480.00--37 C.F.R. Section 1.16(g))
Filing Fee Calculation $_____

11. Small Entity Statement(s)

[X] Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).
[] Applicant is other than Small Entity.

12. Request for International-Type Search (37 C.F.R. Section 1.104(d))

(complete, if applicable)

[] Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

[X] Not Enclosed

[X] No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)

[] Enclosed

[] Filing fee $.00

[] Recording assignment
($40.00; 37 C.F.R. Section 1.21(h))
(See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION.")

[] Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached ($130.00; 37 C.F.R. Sections 1.47 and 1.17(i))$

[] For processing an application with a specification in a non-English language ($130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))$

[] Processing and retention fee ($130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))$

[] Fee for international-type search report ($40.00; 37 C.F.R. Section 1.21(e)) $

Total Fees Enclosed $.00

14. Method of Payment of Fees

[] Checks in the amount of $_____

[] Charge Account No. 50-0850 in the amount of $.00.
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

[] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No.50-0850.

[] 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
[] 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
[] 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
[] 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
[] 37 C.F.R. Section 1.17 (application processing fees)
[] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned
Application No.: Not yet assigned Examiner: Not yet assigned
Filed: Herewith
(Continuation of PCT/US00/13715 – Filed: 19 May 2000)
For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

16. Instructions as to Overpayment

[] Credit Account No. 50-0850.
[] Refund

Date: November 21, 2001

Respectfully submitted,

Customer No.: 26248

Ronald Eisenstein (Reg. No. 30,628)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
Tel. (617) 345-6054
Fax (617) 345-1300

[X] **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

[X] Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
Number of pages added 4

[] Plus Added Pages for Papers Referred to in Item 4 Above
Number of pages added _____

[] Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.
Number of pages added _____

[] Plus "Assignment Cover Letter Accompanying New Application"
Number of pages added _____

[] **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

[] This transmittal ends with this page.

EXPRESS MAIL NO. EL 969 765 650 US

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned
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Practitioner's Docket No. 700157-050007-C ***PATENT***

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

17. Relate Back

(complete the following, if applicable)

[X] Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. section 119(e)

[] "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:	**FILING DATE**
_____/_____	_____"
_____/_____	_____"
_____/_____	_____"

B. 35 U.S.C. sections 120, 121 and 365(c)

[X] "This application is a

[X] continuation

[] continuation-in-part

[] divisional

of copending application(s)

[] application number 0 /_____ filed on _____"

[X] International Application PCT/US00/13715 filed on 19 May 2000 and which designated the U.S."

[X] "The nonprovisional application designated above, namely application PCT/US00/13715, filed 19 May 2000, claims the benefit of U.S. Provisional Application(s) No(s).:

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned
Application No.: Not yet assigned Examiner: Not yet assigned
Filed: Herewith
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For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

APPLICATION NO(S).:	FILING DATE
60 /136,004	26 May 1999 "
/	"
/	"

[] Where more than one reference is made above please combine all references into one sentence.

18. Relate Back--35 U.S.C. section 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country: Application No.: Filed:

The certified copy(ies) has (have)

[] been filed on _____, in prior application 0 /_____, which was filed on _____.

[] is (are) attached.

19. Maintenance of Copendency of Prior Application

A. [] Extension of time in prior application

*(This item **must** be completed and the papers filed **in the prior application,** if the period set in the prior application has run.)*

[] A petition, fee and response extends the term in the pending **prior** application until _____.

[] A **copy** of the petition filed in prior application is attached.

B. [] Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

[] A conditional petition for extension of time is being filed in the pending **prior** application.

[] **A copy** of the conditional petition filed in the prior application is attached.

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Application No.: Not yet assigned Examiner: Not yet assigned
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20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

(a) [] This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

[] the same.

[] less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

(b) [] This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

[] the same.

[] the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be deleted)

(c) [] The inventorship for all the claims in this application are

[] the same.

[] not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

[] is submitted.

[] will be submitted.

21. Abandonment of Prior Application *(if applicable)*

[] Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned
Application No.: Not yet assigned Examiner: Not yet assigned
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22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

(check the next item, if applicable)

[] There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. Small Entity (37 C.F.R. section 1.28(a))

[X] Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

PATENT - 09676960 - 07240

Practitioner's Docket No. 700157-050007-PCT *PATENT*

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Box Patent Application
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: EL565093376US
Date of Deposit: November 21, 2001

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal (7 pp.);
2. Continuation Patent Application (48 pp.): Specification 36 – pp.; Claims 3 pp.; Drawings 8 - pp.; and Abstract – 1 pg.;
3. Added Pages (4 pp.);
3. Preliminary Amendment (3 pp.);
4. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Nicole M. Gignac

Signature of person mailing paper or fee

EL565093376US